



JUN 21 2001

DOT-E 8453
(TENTH REVISION)

EXPIRATION DATE: February 28, 2003

(FOR RENEWAL, SEE 49 CFR § 107.109.)

1. GRANTEE: Orica USA Inc.
(Formerly: Energetic Solutions Inc.)
Englewood, Colorado

(See Appendix A of this exemption for the parties to the exemption).

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of certain Division 1.5D and 5.1 materials in DOT specification cargo tanks and certain non-DOT specification cargo tanks and portable tanks prescribed herein. This exemption provides no relief from any regulation other than specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.101(8)(c), § 173.62, § 173.242, § 176.83, § 176.415 and 177.848(d).
5. BASIS. This exemption is based on Orica USA Inc.'s application dated May 23, 2001 submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

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Hazardous materials description/proper shipping name	Hazard Class/ Division	Identification number	Packing Group
Explosive, blasting, Type E,	1.5D	UN0332	II
Oxidizing liquid, n.o.s.	5.1	UN3139	II

Note: Other Division 1.5D and 5.1 materials may be authorized under this exemption provided they are specifically identified to and acknowledged in writing by the Office of Hazardous Materials Exemptions and Approvals (OHMEA) prior to the first shipment.

7. SAFETY CONTROL MEASURES:a. PACKAGING - Packagings prescribed are as follows:

(i) DOT Specification MC 306, MC 307, MC 312, DOT 406, DOT 407, or DOT 412 cargo tanks fabricated from austenitic stainless steel.

(ii) Non-DOT specification cargo tanks designed and constructed in accordance with Hercules Incorporated's drawing 099-8010-52047, Rev. 5 (3,000-gallons capacity) or 092-0711-52041, Rev. 2 (2,000 gallon capacity), with Atlas Powder Company drawings RS-41701, RS-41702 and RS-41703 (2,376-gallon capacity) or with Fruehauf Corporation's drawings B-KD 3595 Rev. B, B-KD 3595-1 Rev. C, B-KD 3596, and B-KD 3592-1 Rev. C and calculations and specification B-LY 0455 (Pacco, Inc's serial numbers FRK 369802A, FRK 369802B, FRK 369803A and FRK 369803B), on file with the OHMEA.

b. For shipment by cargo vessel, only the following cargo tanks are approved:

(i) DOT specification cargo tanks described in paragraph 7.a.(i).

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(ii) Non-DOT specification portable tanks listed below:

<u>Company</u>	<u>Manufacturer</u>	<u>Serial Number</u>
Pacco, Inc	Fruehauf	FRK 369802A
Pacco, Inc	Fruehauf	FRK 369802B
Pacco, Inc	Fruehauf	FRK 369803A
Pacco, Inc	Fruehauf	FRK 369803B

8. SPECIAL PROVISIONS.

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

c. Each tank is authorized only for dedicated use and must have a thorough cleaning each time it is used for a different formulation. Each tank must be thoroughly cleaned at least every 6 months.

d. Each cargo tank must be reinspected and retested in accordance with § 180.407. Pneumatic retesting at one and one-half times the design pressure is authorized in place of the required hydrostatic test.

e. Each tank must be plainly marked on the right side near the front, in letters and numerals at least two inches high on a contrasting background, "DOT-E 8453".

f. For transportation by cargo vessel, the following will apply:

(i) The tanks must be stowed "on deck only".

(ii) Division 1.5D explosive, blasting, type E materials must be segregated from other hazardous materials in accordance with the requirements for Division 1.1 explosives. In addition, the Explosive, blasting, type E materials must be stowed "separate from" non-regulated readily combustible materials, as defined in § 176.83(d).

(iii) The tanks must be stowed in a readily accessible location which can be reached by at least two streams of water from separate fire hydrants or if carried on an unmanned barge by an effective stream of water from a vessel alongside.

(iv) Before packages covered by this exemption are loaded on or discharged from a vessel at any place in the United States, the carrier must obtain a permit from the Coast Guard Captain of the Port. A copy of this exemption must be provided to the Captain of the Port when requesting a permit.

g. The non-DOT specification portable tanks authorized for shipment by water in paragraph 7.b.(ii) must be retested as required in § 180.407 for DOT Specification MC-306 cargo tanks. The steel frames of these portable tanks must bear an approval plate showing compliance with the rules of the International Convention of Safe Containers or, for domestic transportation only, may bear a plate showing conformance with the rules of another recognized classification society.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, cargo vessel.
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel, or motor vehicle used to transport packages covered by this exemption.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law 49 U.S.C. 5105 et seq:
 - o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8 who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

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No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving fire, explosion or loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incidents involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

R. A. McGuire

for Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

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(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, SW, Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: sln

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The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

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Company Name City/State	Applica- tion Date	Issue Date	Expiration Date
Alaska-Pacific Powder Company Olympia, WA	6/8/2001	6/21/2001	2/28/2003
Austin Powder Company Cleveland, OH	4/11/2001	4/26/2001	2/28/2003
Boren Explosives Company, Inc. Parrish, AL	5/24/2001	6/21/2001	2/28/2003
DYNA-Blast Inc. Nortonville, KY	6/11/2001	6/21/2001	2/28/2003
El Dorado Chemical Co. St. Louis, MO	5/30/2001	6/21/2001	2/28/2003
J. Roy's Inc. Bowmansville, PA	7/23/2001	7/24/2001	2/28/2003
Kesco, Inc. Butler, PA	4/12/2001	7/17/2001	2/28/2003
Mining Services International Corp. (Former grantee: Mining Services International, Inc.) Sandy, UT	7/10/2001	AUG 2 2001	2/28/2003
Nelson Brothers, Inc. Parrish, AL	5/23/2001	6/21/2001	2/28/2003
Nelson Brothers, LLC Birmingham, AL	5/23/2001	6/21/2001	2/28/2003
R&R Trucking, Inc., Duenweg, MO	4/5/2001	5/24/2001	2/28/2003
Southern Blasting Services, Inc. Winston-Salem, NC	3/6/2001	3/23/2001	2/28/2003

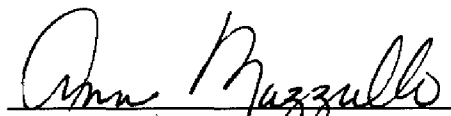
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St. Lawrence Explosives, Inc. Adams Center, NY	5/31/2001	6/21/2001	2/18/2003
Orica/Nelson Quarry Services, Inc., Birmingham, AL	5/23/2001	6/21/2001	2/28/2003
Tri-State Motor Transit Co. Joplin, MO	5/17/2001	5/24/2001	2/28/2003
Nelson Brothers, Mining Services, LLC Gillette, WY	5/23/2001	6/21/2001	2/28/2003

AUG 02 2001



for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety